

**UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**KENNETH RAY WILLIAMS,
Plaintiff**

v.

**RICK THALER, ET AL.,
Defendants**

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Civil No. CC-09-271

**ORDER DENYING PLAINTIFF'S MOTIONS FOR A
PRELIMINARY INJUNCTION WITHOUT PREJUDICE**


Pending before the Court are *pro se* Plaintiff Kenneth Ray Williams' motions for preliminary injunctive relief requesting that he be transferred from the Telford Unit. Plaintiff, who has been placed into protective custody, contends general population inmates are able to enter his housing area and continually threaten his safety. The United States Magistrate Judge recommends the Court deny Plaintiff's motions without prejudice because he cannot satisfy FED. R. CIV. P. 65(a). She concludes Plaintiff cannot demonstrate a substantial threat of irreparable injury because he is currently in transient housing and has been recommended for a unit transfer. She also concludes ordering injunctive relief at this time will not serve the public interest.

Plaintiff filed objections in which he again complains about "illegal mixing of classification" and restates the factual bases for his claims. He contends "his problems are more likely to re-occur in the future" as a result of prison overpopulation and complains that the TDCJ is not properly screening the general population inmates they place in "joint housing" with him. Plaintiff does not refute the fact that he is currently protected in transient housing pending a transfer from the Telford Unit. He does not offer any new evidence or argument to otherwise support his motions. As such,

the Court finds no error in the Magistrate Judge's recommendation and adopts her findings and conclusions.

Plaintiff's motions for a preliminary injunction are DENIED without prejudice (D.E. 48, 51, 83, 117). Plaintiff may reurge his motion if the recommended transfer is not approved.

ORDERED this 19 day of May, 2010.



HAYDEN HEAD
SENIOR U.S. DISTRICT JUDGE